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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,853

12/30/2003

Carl J. Wheeler

1530.0260002

6433

26111 7590 09/20/2007
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ROYDS, LESLIE A

ART UNIT

PAPER NUMBER

1614

MAIL DATE

DELIVERY MODE

09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/748,853	12/30/2003	WHEELER, CARL J.	1530.0260002

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

Leslie A. Royds

ART UNIT PAPER

1614

20070913

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents**NOTICE OF NON-RESPONSIVE AMENDMENT**

Applicant's response filed April 4, 2007 to the requirement for restriction/election dated February 23, 2007 has been received and entered into the present application. Applicant states the election of Group I (claims 64-70 and 83-86), directed to a method for delivering an anionic molecule into a cell comprising a compound classified in class 514, subclass 509, and the election of "DMRIE carboxylate propyl amide" as exemplified in Example 3 of the instant specification.

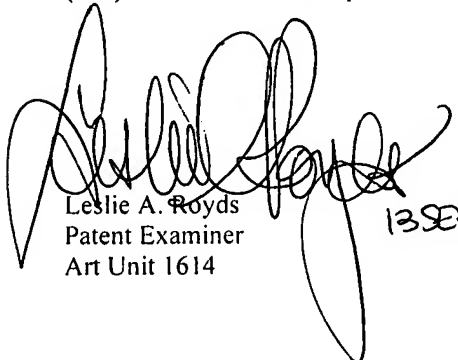
However, Applicant's election fails to comply with the requirements set forth at pages 6-9 of the requirement for restriction/election dated February 23, 2007 for the following reasons:

- (1) Applicant's election of the specie "DMRIE carboxylate propyl amide" as exemplified in Example 3 is non-compliant because Example 3 is, in fact, directed to multiple DMRIE species, i.e., DMRIE-Ox propyl amide, DMRIE carboxylate (methionine-methyl ester) amide, DMRIE carboxylate (methionine-leucine-methyl ester) amide and DMRIE carboxylate (methionine-leucine-phenyl-alanine-methylester) amide. Accordingly, it is not clear which single disclosed specie of DMRIE Applicant intends to elect for examination on the merits; and
- (2) Applicant has also clearly failed to identify the claims that are readable on the elected species as required at pages 8-9 of the previous Office Action.

Applicant is advised that a proper response to this reply will reiterate the group elected for examination and clarify the single disclosed specie of DMRIE compound elected for examination on the merits. Note also that Applicant is required in reply to this notice to provide a statement of the claims readable on the elected invention. Failure to comply with these instructions will again render the reply non-compliant.


Since the above-mentioned response appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction, as well as a proper response to the previous Office Action, in order to avoid abandonment. Extensions of this time period under 37 C.F.R. 1.136(a) are available.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached Monday through Friday, 9:00 AM to 5:30 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.



Leslie A. Royds
Patent Examiner
Art Unit 1614

13 SEPT 2007



ARDIN H. MARSCHEL
SUPERVISORY PATENT EXAMINER